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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,064	09/23/2003	Michael L. Case	42P17673	5098
8791 7590 07/19/2010 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
LU'ONG, ALAN H				
ART UNIT		PAPER NUMBER		
2427				
MAIL DATE		DELIVERY MODE		
07/19/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/670,064

**Applicant(s)**

CASE, MICHAEL L.

**Examiner**

ALAN LUONG

**Art Unit**

2427

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 July 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-23.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see continuation Note 11.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427

/ALAN LUONG/  
Examiner, Art Unit 2427

Continuation sheet Note 11:

Applicant's arguments filed July 07, 2010 have been fully considered but they are not persuasive.

Applicant argues that Klauss does not show two tuners that use two different protocols for commands. Klauss does not show a first tuner and a second tuner each "having an external control interface." Instead, the Examiner requires that they each are connected to a separate, shared interface CAV 408.

Klauss does not show converting commands from a third protocol to first and second protocols before sending them to the tuners.

Klauss does not show a graphics controller that generates commands. The Examiner suggests that the commands come from the user or the CAV. Klauss does not show commands being converted by a microcontroller. The Examiner's reading suggests that the commands are generated by the microcontroller and then converted by the same microcontroller. This is not disclosed and would be much less efficient than initially generating the commands in the proper protocol. (Remark page 12). Examiner respectfully disagrees:

With respect to argue: Klauss does not show two tuners that use two different protocols for commands. Klauss does not show a first tuner and a second tuner each "having an external control interface." Instead, the Examiner requires that they each are connected to a separate, shared interface CAV 408.

Examiner relies on Fig. 4 of Klauss shows two tuners 410A and 410B, the external control interface as CAV [408] provides commands to the tuners via the microprocessor and memory 414, commands in a protocol specific to each tuner and will be rejected if identical for 2 tuners (see Klauss; pp.0070-pp. 0071), claim does not distinguish each external control interface for each tuner, Examiner interprets the external control interface issues the different commands for each tuner.

With respect to argue: Klauss does not show a graphics controller that generates commands; a microcontroller for converting commands from a third protocol to first and second protocols before sending them to the tuners.

Examiner relies on Fig. 4 of Klauss shows a user I/O device [420] where receives user's commands from user's inputs (being generated in a third protocol) to a graphics controller (i.e. a microcontroller and associated memory 414) wherein may be implemented via software instructions stored in the memory and performed by the microcontroller 414 to convert commands from a third protocol to first and second protocols before sending them to the tuners. (see Klauss; pp.0054-pp. 0055)

With respect to argue: "The Examiner's reading suggests that the commands are generated by the microcontroller and then converted by the same microcontroller. This is not disclosed and would be much less efficient than initially generating the commands in the proper protocol".

Klauss teaches "the microcontroller and memory 414 as shown, or may be implemented via software instructions stored in the memory and performed by the microcontroller 414", pp. 0054. Examiner's position considers a microcontroller is designed to perform different sets of specific functions, for example: in the case of generating a third protocol corresponding to protocol instruction software in memory 414 and converting process corresponding to conversion software in memory 414. Therefore, combining block 414 of microcontroller and Memory is enough efficient initially generating the commands in the proper protocol".

Examiner respectfully recognize Applicant's position; with above disagreements, Examiner confidently maintains that a prima facie case of anticipation has been made against Claim 1 using Klauss.

AL  
7/16/2010